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portion of the upper surface of the first layer at the non-bonded edge and at least one portion of the lower surface of the second layer at the non-bonded edge which is not adhered to the container, and wherein the force of the container contents is applied distant from the bonded edge of the first and second layers along the separation interface.

Please refer to the attached Appendix for the marked-up version of the amended abstract and claims.

REMARKS

Applicants respond to the Office Action of January 4, 2001. Claims 1-22 are pending in the application. Claims 18 and 19 have been withdrawn from consideration.

The abstract of the disclosure has been objected to as being too long and because it contains the objectionable phrase "this invention relates". Applicants have amended the abstract to delete the objectionable phrase and to shorten the abstract to one paragraph.

The specification has been objected to as failing to provide proper antecedent basis for "the skin" of claims 2,3 and 10 and "the force of the container contents is applied distant from the edge of the separation interface." With regard to the recitation of the term "the skin" in the claims, Applicants have amended the claims as described below. With regard to the recitation of "the force of the container contents is applied distant from the edge of the separation interface" in claims 15 and 20, Applicants wish to point out that support can be found in the specification at page 18, lines 2-4 and lines 14-16.

Claims 1-17 and 20-22 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner has stated that there is no antecedent basis for "skin and base layers" in claims 2, 3 and 10. Applicants believe the Examiner intended to recite claims 3, 4

and 10, since claim 2 does not recite "skin and base layers", while claim 4 does. Accordingly, Applicants have amended claims 3, 4 and 10 to recite a separation interface between the first and second layers. Support for the amendments is found on page 5, lines 14-17 and on page 9, lines 3-6, as well as throughout the specification.

The Examiner has also stated that claims 15 and 20 lack the structure of a complete sentence, i.e., indefinite articles are missing. Applicants have amended claims 15 and 20 to insert the missing indefinite articles. In view of the amendments to claims 3, 4, 10, 15 and 20, Applicants respectfully request withdrawal of the rejection of claims 1-17 and 20-22 under 35 U.S.C. §112, second paragraph.

Claims 1-7, 10, 11 and 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hayward, US 5,353,943. The Examiner contends that Hayward discloses a first layer 36 and a second layer 35 which can be of different materials and which has a peel strength in the range of 1.5 pounds to 4.5 pounds. The Examiner contends that this range is about 30-400 grams/2-inch width at 90° peel.

Applicants' claimed invention is a closure with a directionally peelable opening feature. The closure has a first and second layer of different polymeric films which are peelably attached to each other at a separation interface. When the closure is secured to an article, one edge portion of the outer surfaces of the first and second layers is bonded to the article. Another edge portion of the surfaces is not bonded to the article.

Applicants have amended claims 1, 10 and 15 to recite that each of the first and second layers have a bonded edge and a non-bonded edge, and that when the closure is used to secure an article, a portion of the upper surface of the first layer at the non-bonded edge and a portion of the lower surface of the second layer at the non-bonded edge are not attached to the article. Support for the amendment to claims 1 and 15 can be found at page 17, lines 12-14 and in Figures 4-8. Figures 4-8 clearly show that one edge of the upper surface of the second layer and one edge of the lower surface of the first layer are bonded to the container. Another edge of each of the upper surface of the second layer and the lower surface of the first layer are not

bonded to the container. The non-bonded edge is within the non-bonded zones of Figures 5, 6, 7 and 8. Hayward does not disclose, teach or suggest a closure having one edge bonded to the container and another edge not bonded to the container. Rather, Hayward discloses a two layer closure that is circumferentially bonded to a container at the entire edge of lower surface of the closure. The lower surface of the closure of Hayward does not have a non-bonded edge. The closure of Hayward produces a circular opening in the container by peeling the upper layer from the lower layer along ring-shaped notches formed in both the upper and lower layers. Applicants closure creates an opening in the container beginning at the bonded edges of the first and second layers and proceeding to the non-bonded edges of the first and second layers. Because Applicants closure is not anticipated by or obvious based on the closure of Hayward, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §102(b).

Claim 6 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Hayward, US 5,353,943. The Examiner contends that although Hayward fails to disclose that the second layer is derived from styrene, a vinyl polymer, a polyurethane, an acrylic polymer or a nylon, it would have been within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. As discussed above, Hayward does not disclose, teach or suggest a closure having one edge bonded to the container and another edge not bonded to the container. In view of the comments set forth above with regard to the closure disclosed by Hayward and the closure as claimed by Applicants, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. §103(a).

Claims 1-7, 10, 11 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Huber (US 5,518,790) in view of Hayward. The Examiner contends that Huber discloses the claimed closure except for the different polymer materials of the closure layers and a peel strength therebetween. The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify the closure of Huber in view of Hayward to provide the closure of two different

polymeric films having a peel strength in the range of 1.5 pounds to 4.5 pounds as an alternative material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. The Examiner has relied on *In re Leshin*, 125 USPQ 416 in support of her contention.

Applicants respectfully disagree with the Examiner's contention. Huber, alone or in combination with Hayward, does not disclose, teach or suggest the closure as claimed by Applicants. Huber discloses a closure comprised of several films. The films are made up of different polymeric layers laminated together with adhesives. The lower film is permanently adhered to the container that holds the aromatic contents. An upper film is removable from the lower film and is aroma-tight. The layers of each of the films are permanently bonded together. The upper film is removable from the lower film because the bottom surface of the upper film is coated with a protective layer, such as a silicone coating. The upper surface of the lower film is coated with a bonding agent to adhere the upper film to the lower film. The lower film remains adhered to the container when the upper film is removed, so that no opening is created in the container. This is not the closure as claimed by Applicants. Furthermore, there is no motivation provided to modify the container of Huber with the closure of Hayward. Hayward provides a closure that is bonded around the entire edge of the bottom film and creates an opening in the container by separating the films along ring-shaped notches in each of the films. Huber discloses a container in which an opening is not desired at all. Rather, Huber teaches that an aroma-permeable lower film is exposed. Neither reference, alone or in combination suggests the closure having a directionally peelable opening as claimed by Applicants. Applicants, therefore, respectfully request withdrawal of the rejection of claims 1-7, 10, 11 and 15 under 35 U.S.C. §103(a) as being unpatentable over Huber in view of Hayward.

Claims 1, 5-8, 10-13 and 15-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Burns (US 4,690,322) in view of Hayward. The Examiner contends that Burns discloses an envelope comprising a reusable closure, and

although Burns does not disclose the material of the closure layers to be different materials or the peel strength of the closure, it would have been obvious to one of ordinary skill in the art to modify the closure of Burns in view of Hayward since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. The Examiner has again relied on *In re Leshin*, 125 USPQ 416 in support of her contention.

Applicants respectfully disagree with the Examiner's contention. Burns discloses an envelope flap having a resealable adhesive that secures the flap to the other portion of the envelope. Applicants' closure does not include a resealable adhesive. Rather, the interface between the first and second layer of Applicants' closure cannot be resealed. (See page 4, lines 23-24.) Although there is no motivation provided by either Burns or Hayward to modify the closure of Burns, combining the disclosures of these two references would not lead to the closure as claimed by Applicants. Hayward teaches a closure that creates an opening in a container by peeling two polymeric films apart along ring-shaped notches cut into each of the films while the bottom film is secured along its entire circumference to the top of the container. Neither reference, alone or in combination teaches or suggests a closure having a directionally peelable opening feature and comprising a first and second layer of different polymeric films having an edge portion of the upper surface of the first layer and an edge portion of the lower surface of the second layer not attached to the container. Applicants, therefore, respectfully request withdrawal of the rejection of claims 1, 5-8, 10-13 and 15-17 under 35 U.S.C. §103(a) as being unpatentable over Burns in view of Hayward.

Claims 1-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Burns in view of Eagon (US 4,398,985). The Examiner has stated that Burns discloses an envelope comprising a reusable closure and Eagon discloses a closure comprising two polymer materials having a peel strength of 100-120 grams/2 inch width at 180°. The Examiner contends that although Burns does not disclose the material of the closure layers to be different materials or the peel strength

of the closure, it would have been obvious to one of ordinary skill in the art to modify the closure of Burns in view of Eagon since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. The Examiner has again relied on *In re Leshin*, 125 USPQ 416 in support of her contention.

Applicants respectfully disagree with the Examiner's contention. As discussed above, Burns discloses an envelope flap having a resealable adhesive that secures the flap to the other portion of the envelope. Eagon discloses a laminate construction in which a polymer layer between the facestock and the adhesive has different release capabilities with respect to the facestock and adhesive. The polymer layer has a greater affinity for the adhesive so that the adhesive becomes detackified upon delamination of the facestock from the substrate. Neither reference, alone or in combination, teaches or suggests a closure having a directionally peelable opening feature and comprising a first and second layer of different polymeric films having an edge portion of the upper surface of the first layer and an edge portion of the lower surface of the second layer not attached to the container. Applicants, therefore, respectfully request withdrawal of the rejection of claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Burns in view of Eagon.

Claims 20-22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Greer (US 6,032,854) in view of Freedman (US 4,925,714). The Examiner has stated that Greer discloses the claimed container except for the multi-layer closure structure and that Freedman discloses utilizing a closure having two different polymeric layers which easily separate for opening the container to which it is sealed. The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify the container of Greer in view of Freedman to provide closures each having two different polymeric layers which easily separate for opening the container to which it is sealed.


Applicants have amended claim 20 to recite that each of the first and second layers have a bonded edge and a non-bonded edge. When the container is sealed, the force of the container contents is applied distant from the bonded edge of the first

and second layers along the separation interface. Greer discloses a multi-use envelope having two separate and spaced apart hot melt adhesive closures. Freedman discloses a multi-layer laminate in which the core layers are coextruded. Neither Greer nor Freedman disclose or suggest a closure having a directionally peelable opening feature and comprising a first and second layer of different polymeric films having an edge portion of the upper surface of the first layer and an edge portion of the lower surface of the second layer not adhered to the container. Rather, Freedman discloses that the multi-layer laminate is permanently joined to the facestock and to the substrate with a continuous adhesive layer. (See Figures 1A to 2D.) Freedman also fails to disclose a closure for a container wherein force of the container contents is applied distant from the bonded edge of the first and second layers along the separation interface. Applicants, therefore, respectfully request withdrawal of the rejection of claims 20-22 under 35 U.S.C. §103(a) as being unpatentable over Greer in view of Freedman.

In view of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the rejections and allowance of claims 1-17 and 20-22.

Respectfully submitted,

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APPENDIX

IN THE SPECIFICATION:

Abstract

[This invention relates a] A closure with a directionally peelable opening feature for articles comprising a first and second layer of different polymeric films, wherein each layer has an upper and lower surface, the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, provided that when the closure is used to secure an article, at least one portion [of the surface and] of the upper surface of the first layer or the lower surface of the second layer is not attached to the [container] article. [The invention also relates to a] A container sealed with the directionally peelable closure is also provided. The closure provides a means for providing a strong sealing closure that is directionally peelable requiring little effort. In another aspect, the invention provides a means for using a container more than once.

IN THE CLAIMS:

Please amend the claims to read as follows:

1. (Amended) A closure with a directionally peelable opening feature for articles comprising a first and second layer of different polymeric films, wherein each layer has an upper and lower surface and a bonded edge and a non-bonded edge, the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, provided that when the closure is used to secure an article, at least one portion of the upper surface of the first layer at the non-bonded edge [or] and at least a portion of the lower surface of the second layer at the non-bonded edge is not attached to the [container] article.

3. (Amended) The closure of claim 1 wherein the separation interface

between the [skin and base] first and second layers has a peel strength in the range of about 30 to about 400 grams per 2-inch width at 90° peel.

4. (Amended) The closure of claim 1 wherein the separation interface between the [skin and base] first and second layers has a peel strength in the range of about 30 to about 400 grams per 1-inch width at 90° peel.

10. (Amended) A directionally peelable closure for articles comprising a first and second layer of different polyolefin films, wherein each layer has an upper and lower surface and a bonded edge and a non-bonded edge, the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface and wherein the separation interface between the [skin and base] first and second layers has a peel strength in the range of about 30 to about 400 grams per 1-inch width at 90° peel, provided that when the closure is used to secure an article, at least one portion of the upper surface of the first layer at the non-bonded edge [or] and at least a portion of the lower surface of the second layer at the non-bonded edge is not attached to the [container] article.

15. (Amended) A container sealed with a directionally peelable closure, comprising an article which is articulated to provide for sealing with a closure and a closure adhered to the article, wherein the closure comprises a first and second layer of different polymeric films, wherein each layer has an upper and lower surface and a bonded edge and a non-bonded edge, the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, and wherein the closure has [having] at least one portion of the upper surface of the first layer at the non-bonded edge [or] and at least a portion of the lower surface of the second layer at the non-bonded edge which is not adhered to the container, wherein the force of the container contents is applied distant from the bonded edge of the first and second layers along the separation interface.

20. (Amended) A reuseable directionally sealed container comprising a container with two sealing means and two closures which are directionally peelable, wherein each closure is positioned on the container to contact a sealing means and wherein [the] each closure comprises a first and second layer of different polymeric films, wherein each layer has an upper and lower surface and a bonded and non-bonded edge, the upper surface of the first layer is peelably attached to the lower surface of the second layer at a separation interface, and wherein each closure has [having] at least one portion of the upper surface of the first layer at the non-bonded edge and at least one portion of [or] the lower surface of the second layer at the non-bonded edge which is not adhered to the container, and wherein the force of the container contents is applied distant from the bonded edge of the first and second layers along the separation interface.